



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re PATENT APPLICATION OF

Lee et al.

Confirmation No.: 9058

Appln. No.: 10/500,167

Group Art Unit: 1645

Filed: June 23, 2004

Examiner: To be assigned

Title: IMPROVED SAMPLE PREPARATION FOR THE DETECTION OF INFECTIOUS AGENTS

**TRANSMITTAL LETTER**

Office of Initial Patent Examination  
Filing Receipt Corrections  
Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

**Certificate of Mailing Under 37 C.F.R. §1.8**  
I hereby certify that, on the date shown below, this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date: December 17, 2004 By:

Sachiko Y. Snedden

Sir:

Transmitted herewith for filing are the following:

1. Request for Corrected Filing Receipt (PTO Error);
2. Copy of Application Transmittal filed June 23, 2004;
3. Copy of Declaration filed October 8, 2004;
4. Red-line copy of Filing Receipt mailed December 2, 2004; and
5. Return Postcard.

No fee is incurred for filing this Request. However, the Commissioner is hereby authorized to charge any fee that may be due in connection with this and the attached papers, or with this application during its entire pendency, or to credit any overpayment to Deposit Account 50-2212, Order No. 028705-0310242. A duplicate of this Transmittal is enclosed.

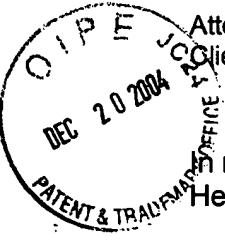
Respectfully submitted,

Pillsbury Winthrop LLP

Date: December 17, 2004

11682 El Camino Real, Suite 200  
San Diego, CA 92130-2092  
(619) 234-5000

By:   
Donna O. Perdue, Ph.D.  
Reg. No. 51,166  
Tel. No. (858) 509-4093  
Fax No. (858) 509-4010



Attorney Docket: 028705-0310242

Client Reference:

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re PATENT APPLICATION of:  
Helen Lee et al.

Confirmation Number: 9058

Application No.: 10/500,167

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Title: IMPROVED SAMPLE PREPARATION FOR THE DETECTION OF INFECTIOUS AGENTS

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**REQUEST FOR CORRECTED FILING RECEIPT**

Attached is a copy of the official filing receipt from the PTO in the above application for which issuance of a corrected filing receipt is respectfully requested. There are errors with respect to the following data which is incorrectly entered.

Errors in	Correct data
1. 3 <sup>rd</sup> Inventor's Name	Elpidio Cesar Nadala, Jr.
2. 3 <sup>rd</sup> Inventor's Address	San Mateo, CA
3. Title	IMPROVED SAMPLE PREPARATION FOR THE DETECTION OF INFECTIOUS AGENTS

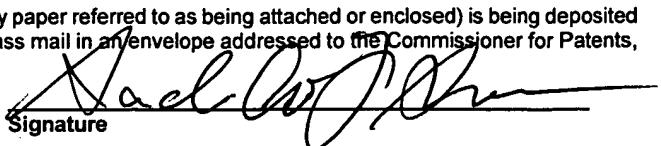
Please correct 1) "Elpidio Casar" to – Elpidio Cesar Nadala, Jr.–; 2) "San Mateo, CANADA" to --San Mateo, CA--; 3) "SAMPLE PREPARATION FOR THE DETECTION OF INFECTIOUS AGENTS" to --IMPROVED SAMPLE PREPARATION FOR THE DETECTION OF INFECTIOUS AGENTS--. A red-line copy of the Filing Receipt is attached hereto.

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**CERTIFICATION UNDER 37 C.F.R. §§ 1.8 and/or 1.10\***

(When using Express Mail, the Express Mail label number is **mandatory**; *Express Mail certification is optional*.)

I hereby certify that, on the date shown below, this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.



Signature

SACHIKO Y. SNEEDEN

(type or print name of person certifying)

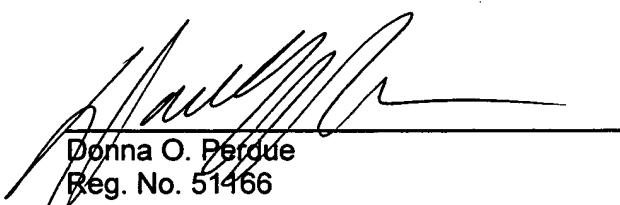
Date: December 17, 2004

\* Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

Applicants respectfully request correction of the Filing Receipt and reissuance of the same.

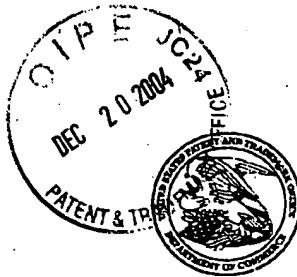
No fee is believed to be incurred for filing this Request. However, the Commissioner is hereby authorized to charge any fee that may be due in connection with this and the attached papers, or with this application during its entire pendency to or to credit any overpayment to Deposit Account 50-2212.

Respectfully submitted,  
PILLSBURY WINTHROP LLP



Donna O. Perdue  
Reg. No. 51466  
Tel. No. (858) 509-4093  
Fax No. (858) 509-4010

Date: December 17, 2004  
11682 El Camino Real  
Suite 200  
San Diego, CA 92130-2092  
Customer Number: 27500



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/500,167	10/12/2004	1645	765	028705-0310242	4	22	1

## CONFIRMATION NO. 9058

27500  
PILLSBURY WINTHROP LLP  
ATTENTION: DOCKETING DEPARTMENT  
11682 EL CAMINO REAL, SUITE 200  
SAN DIEGO, CA 92130

## FILING RECEIPT



\*OC000000014463405\*

Date Mailed: 12/02/2004

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

## Applicant(s)

Please correct to: -- Elpidio Cesar Nadala, Jr. --

Helen Lee, Cambridge, UNITED KINGDOM;  
Ling Huang, Cambridge, UNITED KINGDOM;

Elpidio Cesar, San Mateo, CANADA; ← Please Correct to: -- CA --  
Nigel Derek Buttress, San Mateo, CA;

## Power of Attorney:

Donna Perdue--51166

## Domestic Priority data as claimed by applicant

This application is a 371 of PCT/GB02/05923 12/24/2002

## Foreign Applications

UNITED KINGDOM 0130947.5 12/24/2001

Projected Publication Date: To Be Determined - pending completion of Security Review

Non-Publication Request: No

RECEIVED

Early Publication Request: No

DEC 14 2004

PILLSBURY WINTHROP LLP

**\*\* SMALL ENTITY \*\***

Title      Please correct to:--Improved Sample--  
              Sample preparation for the detection of infectious agents

**Preliminary Class**

435

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**LICENSE FOR FOREIGN FILING UNDER  
Title 35, United States Code, Section 184  
Title 37, Code of Federal Regulations, 5.11 & 5.15**

**GRANTED**

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

**NOT GRANTED**

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

DEC 20 2004 JC-2  
PATENT & TRADEMARK OFFICE PTO

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
REQUEST FOR FILING NATIONAL PHASE OF  
PCT APPLICATION UNDER 35 U.S.C. 371 AND 37 CFR 1.494 OR 1.495

Mail Stop Patent Application  
Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

CERTIFICATE OF EXPRESS MAILING UNDER 37 C.F.R. 61.10  
I hereby certify that this correspondence (along with any paper referred to as being attached or enclosed) is being mailed via "Express Mail Post Office to Addressee" service of the United States Postal Service (Express Mail Label No. EL 989437046 US) on the date shown below in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date: June 23, 2004 By:   
Bachiko Y. Snedden

Atty Dkt: 028705-0310242 /  
C-M / Client Ref.

TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)

From: Pillsbury Winthrop LLP, IP Group:

Date: June 23, 2004

This is a REQUEST for FILING a PCT/USA National Phase Application based on:

1. International Application <u>PCT/GB02/05923</u> <u>↑ country code</u>	2. International Filing Date <u>24 December 2002</u> Day MONTH Year	3. Earliest Priority Date Claimed <u>24 December 2001</u> Day MONTH Year (use item 2 if no earlier priority)
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4. Measured from the earliest priority date in item 3, this PCT/USA National Phase Application Request is being filed within:

(a)  20 months from above item 3 date      (b)  30 months from above item 3 date,  
(c) Therefore, the due date (unextendable) is 24 June 2004

5. Title of Invention IMPROVED SAMPLE PREPARATION FOR THE DETECTION OF INFECTIOUS AGENTS

6. Inventor(s) LEE, Helen; HUANG, Ling; NADALA, Elpidio, Cesar, Jr.; BUTTRESS, Nigel, Derek

Applicant herewith submits the following under 35 U.S.C. 371 to effect filing:

7.  Please immediately start national examination procedures (35 U.S.C. 371 (f)).

8.  A copy of the International Application as filed (35 U.S.C. 371(c)(2)) is transmitted herewith (file if in English but, if in foreign language, file only if not transmitted to PTO by the International Bureau) including:

- Request;
- Abstract;
- 10 pgs. Spec. and Claims;
- 4 sheet(s) Drawing which are  informal  formal of size  A4  11"

9.  A copy of the International Application has been transmitted by the International Bureau.

10. A translation of the International Application into English (35 U.S.C. 371(c)(2))

- is transmitted herewith including: (1)  Request; (2)  Abstract;  
(3) \_\_\_\_\_ pgs. Spec. and Claims;  
(4) \_\_\_\_\_ sheet(s) Drawing which are:  
                 informal  formal of size  A4  11"
- is not required, as the application was filed in English.
- is not herewith, but will be filed when required by the forthcoming PTO Missing Requirements Notice per Rule 494(c) if box 4(a) is X'd or Rule 495(c) if box 4(b) is X'd.
- Translation verification attached (not required now).

11.  Please see the attached Preliminary Amendment

12.  Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3)), i.e., before 18th month from first priority date above in item 3, are transmitted herewith (file only if in English) including:

13.  PCT Article 19 claim amendments (if any) have been transmitted by the International Bureau

14.  Translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)), i.e., of claim amendments made before 18th month, is attached (required by 20th month from the date in item 3 if box 4(a) above is X'd, or 30th month if box 4(b) is X'd, or else amendments will be considered canceled).

15. A declaration of the inventor (35 U.S.C. 371(c)(4))  
 a.  is submitted herewith       Original       Facsimile/Copy  
 b.  is not herewith, but will be filed when required by the forthcoming PTO Missing Requirements Notice per Rule 494(c) if box 4(a) is X'd or Rule 495(c) if box 4(b) is X'd.

16. An International Search Report (ISR):  
 a. Was prepared by  European Patent Office       Japanese Patent Office       Other  
 b.  has been transmitted by the international Bureau to PTO.  
 c.  copy herewith       plus Annex of family members

17. International Preliminary Examination Report (IPER):  
 a.  has been transmitted (if this letter is filed after 28 months from date in item 3) in English by the International Bureau with Annexes (if any) in original language.  
 b.  copy herewith in English.  
 c. 1  IPER Annex(es) in original language ("Annexes" are amendments made to claims/spec/drawings during Examination) including attached amended:  
 c. 2  Specification/claim pages #0 claims #0  
 Dwg Sheets #0  
 d.  Translation of Annex(es) to IPER (required by 30<sup>th</sup> month due date, or else annexed amendments will be considered canceled).

18. Information Disclosure Statement including:  
 a.  Attached Form PTO-1449 listing documents  
 b.  Attached copies of documents listed on Form PTO-1449  
 c.  A concise explanation of relevance of ISR references is given in the ISR.

19.  Assignment document and Cover Sheet for recording are attached. Please mail the recorded assignment document back to the person whose signature, name and address appear at the end of this letter.

20.  Copy of Power to IA agent.

21.  Drawings (complete only if 8d or 10a(4) not completed): \_ sheet(s) per set:  1 set informal;  Formal of size  A4     11"

22. Small Entity Status  is Not claimed  is claimed (pre-filing confirmation required)  
 22(a) 0 (No.) Small Entity Statement(s) enclosed (since 9/8/00 Small Entity Statements(s) not essential to make claim)

23. Priority is hereby claimed under 35 U.S.C. 119/365 based on the priority claim and the certified copy, both filed in the International Application during the international stage based on the filing in (country) Great Britain of:

	<u>Application No.</u>	<u>Filing Date</u>	<u>Application No.</u>	<u>Filing Date</u>
(1)	0130947.5	24 December 2001	(2)	
(3)			(4)	
(5)			(6)	

a.  See Form PCT/IB/304 sent to US/DO with copy of priority documents. If copy has not been received, please proceed promptly to obtain same from the IB.  
 b.  Copy of Form PCT/IB/304 attached.

RE: USA National Phase Filing of PCT/GB02/05923

24. Attached: Copies of: WO 03/060520 A2&amp;A3; Chapter II Demand; Specification Cover Sheet; Postcard Receipt

25 Per Item 17.c2, cancel original pages #0, claims #0, Drawing Sheets #26. Calculation of the U.S. National Fee (35 U.S.C. 371 (c)(1)) and other fees is as follows:Based on amended claim(s) per above item(s)  12,  14,  17,  25

Total Effective Claims	minus 20 =	x \$18/\$9 = \$	1615/2615
Independent Claims	minus 3 =	x \$86/\$43 = \$	1614/2614
If any proper (ignore improper) Multiple Dependent claim is present,		add\$290/\$145 +	1616/2616

BASIC NATIONAL FEE (37 CFR 1.492(a)(1)-(4)): →→ BASIC FEE REQUIRED, NOW →→→A. If country code letters in item 1 are not "US", "BR", "BB", "TT", "MX", "IL", "NZ", "IN", "ZA", "LC" or "PH"

See item 16 re:

1. Search Report was <u>not</u> prepared by EPO or JPO - - - - -	add\$1,080/\$540	1611/2611
2. Search Report was prepared by EPO or JPO - - - - -	add\$920/\$460 +460	1613/2613

SKIP B, C, D AND E UNLESS country code letters in item 1 are "US", "BR", "BB", "TT", "MX", "IL", "NZ", "IN", "ZA", "LC" or "PH"

→ <input type="checkbox"/> B. If <u>USPTO</u> did not issue <u>both</u> International Search Report (ISR) <u>and</u> (if box 4(b) above is X'd) the International Examination Report (IPER), - - - - -	add\$1,080/\$540 +540	1611/2611
(only) → <input type="checkbox"/> C. If <u>USPTO</u> issued ISR but not IPER (or box 4(a) above is X'd), - - - - -	add\$770/\$385 +0	1610/2610
(one) (of) → <input type="checkbox"/> D. If <u>USPTO</u> issued IPER but IPER Sec. V boxes <u>not all</u> 3 YES, - - - - -	add\$730/\$365 +0	1609/2609
→ <input type="checkbox"/> E. If international preliminary examination fee was paid to <u>USPTO</u> <u>and</u> Rules 492(a)(4) and 496(b) <u>satisfied</u> (i.e., in IPER Sec. V <u>all</u> 3 boxes <u>must</u> be YES for <u>all</u> claims), --	add \$100/\$50 +0	1612/2612

27.	<b>SUBTOTAL =</b>	<b>\$1000</b>
28. If Assignment box 19 above is X'd, add Assignment Recording fee of ----\$40	+0	8021
29. If box 15a is x'd, determine whether inventorship on Declaration is different than in international stage. If yes, add (per Rule 497(d)	----\$130	+0
30.	<b>TOTAL FEES</b>	<b>\$1000</b>

31. Address communications to the correspondence address associated with our customer No.

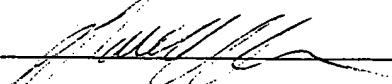
Our Deposit Account No. 50-2212

Our Order No. 028705 | 0310242  
C# M#

27500

PLEASE CHARGE  
OUR DEP. ACCT.

CHARGE STATEMENT: The Commissioner is hereby authorized to charge any fee specifically authorized hereafter, or any missing or insufficient fee(s) filed, or asserted to be filed, or which should have been filed herewith or concerning any paper filed hereafter, and which may be required under Rules 16-18 and 492 (missing or insufficient fee only) now or hereafter relative to this application and the resulting Official document under Rule 20, or credit any overpayment, to our Account/Order Nos. shown above for which purpose a duplicate copy of this sheet is attached.

This CHARGE STATEMENT does not authorize charge of the issue fee until/unless an issue fee transmittal form is filedPillsbury Winthrop LLP  
Intellectual Property Group11682 El Camino Real, Suite 200  
San Diego, CA 92130-2092  
Tel: (619) 234-5000  
Atty/Sec: DOP/sysBy Atty: Donna O. Perdue, Ph.D.Reg. No. 51,166Sig: Fax: (858) 509-4010  
Tel: (858) 509-4093NOTE: File in duplicate with 2 postcard receipts (PAT-103) & attachments.